

**7004. Adulteration and misbranding of oil of birch. ; U. S. * * * v. 4
Cans of Alleged Oil of Birch. Consent decree of condemnation and
forfeiture. Product ordered released on bond. (F. & D. No. 9541.
I. S. No. 13639-r. S. No. E-1189.)**

On December 16, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cans, each containing 55 pounds of a product purporting to be oil of birch, at Linden, N. J., alleging that the article had been shipped on or about November 30, 1918, by J. B. Johnson, Hildebran, N. C., and transported from the State of North Carolina into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was sold by the shipper to the consignee in person and represented verbally by said shipper to be absolutely pure oil of birch.

Adulteration of the article, considered as a drug, was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation of the article, and for the further reason that the strength and purity of the article were below the professed standard and quality under which it was sold. Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith, thereby reducing, lowering, and injuriously affecting its quality and strength, and had been substituted in whole or in part for oil of birch.

Misbranding of the article, considered as a drug, was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, oil of birch. Misbranding of the article, considered as a food, was alleged for the reason that it was an imitation of, and was offered for sale under the (distinctive) name of, another article, to wit, oil of birch, and for the further reason, in substance, that the verbal representation that the product was oil of birch was false and misleading in that it represented to the purchaser that the product was oil of birch, and for the further reason that the statement and representation as aforesaid deceived and misled the purchaser into the belief that it was pure oil of birch, whereas, in truth and in fact, it was not oil of birch, but was a product to which had been added and with which had been mixed and packed a substance, to wit, synthetic methyl salicylate.

On March 13, 1919, J. B. Johnson, Hickory, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department as imitation oil of birch.

E. D. BALL,
Acting Secretary of Agriculture.

**7005. Adulteration and misbranding of condensed milk. U. S. * * * v.
811 Cases of * * * Alleged Sweetened Condensed Milk. Consent
decree of condemnation and forfeiture. Product ordered released
on bond. (F. & D. No. 9542. I. S. No. 14342-r. S. No. E-1187.)**

On December 20, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and